Message

From: Johnson, Kathleen [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D36DE0CD8EE14FF6A6AA2F1DF9B159F6-KJOHNS05]

Sent: 4/14/2017 4:01:21 PM

To: Moutoux, Nicole [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=574b3a85014d46d3965b59700a04a55e-NMOUTOUX)

Subject: FW: Rosemont letter

I'm thinking this may be too premature. For all we know, Ted will not start the clock on FS and the April 18th meeting may be meaningful. My thought is to respond to Rob that although its good for them to have the paper, this may not mean we need rush into a briefing. We never intended a one-pager to suffice as a formal briefing paper for a decision with the Administrator. Am I off-track here?

Kathleen H. Johnson
Director, Enforcement Division
U.S. EPA - Region 9
75 Hawthorne Street ENF-1
San Francisco, CA 94015
415/972-3873
johnson.kathleen@epa.gov

From: Tomiak, Robert

Sent: Friday, April 14, 2017 7:01 AM

To: Moutoux, Nicole <Moutoux.Nicole@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Cc: Goforth, Kathleen <Goforth.Kathleen@epa.gov>; Suriano, Elaine <Suriano.Elaine@epa.gov>; Knight, Kelly

<knight.kelly@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>;

Goodin, John <Goodin.John@epa.gov>; Brush, Jason <Brush.Jason@epa.gov>

Subject: RE: Rosemont letter

One point, one ask, and one recommendation:

• I think you need to speak to the part of the Governors letter that talks about the Corps not issuing a permit until the EPA's concerns (via April 14, 2015 memo) are resolved. The paper seems to go light on the 404 component.

Please send me the April 14, 2015 memo and the State's June 12th response. I fully understand this is a memo that went out from your OW office, but I think we all here at HQ need those two documents for the full picture.

My recommendation is that you lay out options for the Administrator, potentially with pros and cons of each, if

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From: Moutoux, Nicole

Sent: Thursday, April 13, 2017 6:24 PM

To: Tomiak, Robert <tomiak.robert@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Cc: Goforth, Kathleen < Goforth. Kathleen@epa.gov>; Suriano, Elaine < Suriano. Elaine@epa.gov>; Knight, Kelly < knight.kelly@epa.gov>; Marshall, Tom < marshall.tom@epa.gov>; Eisenberg, Mindy < Eisenberg.Mindy@epa.gov>;

Goodin, John < Goodin. John@epa.gov>; Brush, Jason < Brush Jason@epa.gov>

Subject: Re: Rosemont letter

Hi Rob-

Per Kathleen's message below, here is the 1-pager on Rosemont that our Acting RA will send out later today.

Thanks Nicole

Nicole G. Moutoux Assistant Director Enforcement Division, ENF-4 desk 415-972-3012 mobile 415-271-0701 Moutoux Nicole@epa.gov

From: Tomiak, Robert

Sent: Wednesday, April 12, 2017 4:12:00 PM

To: Johnson, Kathleen

Cc: Moutoux, Nicole; Goforth, Kathleen; Suriano, Elaine; Knight, Kelly; Marshall, Tom; Eisenberg, Mindy; Goodin, John;

Brush, Jason

Subject: Re: Rosemont letter

Good plan; thanks! Rob

On Apr 12, 2017, at 6:46 PM, Johnson, Kathleen < Johnson. Kathleen@epa.gov> wrote:

I spoke with Alexis about this today. She puts together an email every Thursday and sends to the political team in Washington. She would like to provide the issue paper to the team through the mechanism of her Thursday email. FYI, yesterday, we hosted Ken Wagner, who is a newly installed political serving as a Regional Liaison to the Administrator. She gave Ken a heads up on this issue when he was here yesterday.

We had created a one-pager on this to put in a briefing book for our new (anticipated) RA. We can dust off that paper and add the latest info.

Kathleen H. Johnson
Director, Enforcement Division
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75 Hawthorne Street ENF-1
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From: Tomiak, Robert

Sent: Wednesday, April 12, 2017 4:17 AM

To: Moutoux, Nicole < <u>Moutoux.Nicole@epa.gov</u>>; Johnson, Kathleen < <u>Johnson.Kathleen@epa.gov</u>>; Goforth, Kathleen@epa.gov>

Cc: Suriano, Elaine <<u>Suriano.Elaine@epa.gov</u>>; Knight, Kelly <<u>knight.kelly@epa.gov</u>>; Marshall, Tom <<u>marshall.tom@epa.gov</u>>; Eisenberg, Mindy <<u>Eisenberg, Mindy@epa.gov</u>>; Goodin, John <<u>Goodin.John@epa.gov</u>>

Subject: Re: Rosemont letter

One follow up thought: would also appreciate your thoughts on who should forward an issue paper...OW, OECA, or R9....

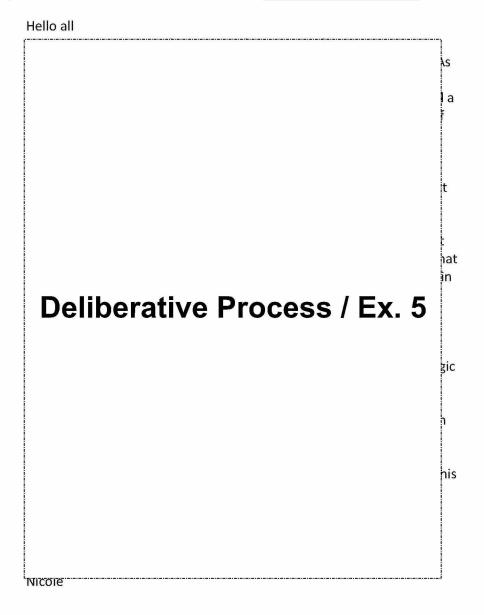
Thanks, Rob

On Apr 12, 2017, at 7:12 AM, Tomiak, Robert <tomiak.robert@epa.gov> wrote:

Very helpful; I appreciate the update. Given the visibility, I think we need to provide a status update to Byron; perhaps a one page issue paper. I will vet whatever you all draft with OW here before anything is sent forward by either of us.

Thanks, Rob

On Apr 11, 2017, at 3:08 PM, Moutoux, Nicole < Moutoux. Nicole@epa.gov> wrote:



Nícole G. Moutoux Assistant Director Enforcement Division, ENF-4 Moutoux.Nicole@epa.gov

Office: 415-972-3012 Cell: 415-271-0701

From: Tomiak, Robert

Sent: Friday, April 07, 2017 5:18 AM

To: Moutoux, Nicole < Moutoux. Nicole@epa.gov>; Goforth, Kathleen

<Goforth.Kathleen@epa.gov>; Suriano, Elaine

<Suriano.Elaine@epa.gov>

Cc: Knight, Kelly <knight.kelly@epa.gov>; Marshall, Tom

<marshall.tom@epa.gov>; Johnson, Kathleen

<Johnson.Kathleen@epa.gov>
Subject: RE: Rosemont letter

Mufirst road of the letter led me to check in with Mindy Ficenbers (OM).

Deliberative Process / Ex. 5

with osace no would be neipiul:

Thanks, Rob

From: Moutoux, Nicole

Sent: Thursday, April 06, 2017 5:54 PM

To: Tomiak, Robert < tomiak.robert@epa.gov>

Subject: RE: Rosemont letter

Ok – please let me know a good time and number and we'll call you.

Nícole G. Moutoux
Assistant Director
Enforcement Division, ENF-4
Moutoux.Nicole@epa.gov

Office: 415-972-3012 Cell: 415-271-0701

From: Tomiak, Robert

Sent: Thursday, April 06, 2017 2:51 PM

To: Moutoux, Nicole < Moutoux.Nicole@epa.gov>
Cc: Knight, Kelly < knight.kelly@epa.gov>; Marshall, Tom

<marshall.tom@epa.gov> **Subject:** Re: Rosemont letter

I don't think Kelly will be in, but yes, let's discuss.

Rob

On Apr 6, 2017, at 5:46 PM, Moutoux, Nicole Moutoux, Nicole@epa.gov> wrote:

Hi Rob-

Thanks for the conversation today. I know you are all are juggling a lot — I think it helps for staff to hear the context. On another note, I'm checking in on Rosemont. We received a copy of a letter sent to Administrator Pruitt from AZ governor and there are few other things going on related to the project. Are you and Kelly available tomorrow to speak with me and Kathy Goforth.

Thanks Nicole

Nicole G. Moutoux Assistant Director Enforcement Division, ENF-4 Moutoux.Nicole@epa.gov

Office: 415-972-3012 Cell: 415-271-0701